

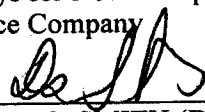
GWERTZMAN LEFKOWITZ
BURMAN SMITH & MARCUS
80 Broad Street
New York, New York
(212) 968-1001
Attorneys for New Hampshire
Insurance Company
Our #'s X32-7306R and X32-7310R (DSS:lsw)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT, NEW YORK

-----	:	12 Civ. 5838(BSJ)
In the Matter of the Petition of	:	
Daniel Florio, as Owner of the	:	NOTICE OF MOTION
Motor Yacht "CAROLE JAYE" for	:	TO DISMISS PETITION
Exoneration from or Limitation of Liability	:	FOR LACK OF SUBJECT
	:	<u>MATTER JURISDICTION</u>
	:	
	:	
	:	
	:	
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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, and all prior pleadings and proceedings herein, Claimant NEW HAMSPHIRE INSURANCE COMPANY (New Hampshire), as subrogee of FRANK TAUBNER and FLETCHER DUKE, by and through its attorneys, GWERTZMAN LEFKOWITZ BURMAN SMITH & MARCUS, will move before the Honorable Barbara S. Jones at the United States Courthouse, 500 Pearl Street, New York, New York, for an Order pursuant to Rule 12(b)(1) dismissing the Petition of DANIEL FLORIO, as Owner of the Motor Yacht "CAROLE JAYE", for Exoneration from or Limitation of Liability due to lack of subject matter jurisdiction, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
October 5, 2012

GWERTZMAN LEFKOWITZ
BURMAN SMITH & MARCUS
Attorneys for New Hampshire
Insurance Company
By: 
DAVID S. SMITH (DS-3745)
80 Broad Street – 16th Floor
New York, New York 10004
(212) 968-1001

CERTIFICATION OF SERVICE

I hereby certify that on October 5, 2012 a copy of the foregoing NOTICE OF MOTION was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's CM/ECF system.

A handwritten signature in black ink, appearing to read 'DS Smith', is written above a horizontal line.

David S. Smith

NOTICE OF ENTRY

Sir:

Please take notice that the within is a true copy of a this day made and entered in the office of the Clerk of
Dated, N.Y.,
Yours, etc.

GWERTZMAN LEFKOWITZ
BURMAN SMITH & MARCUS
Attorneys for

Office & Post Office Address
80 Broad Street
New York, New York 10004

To Esq.,

Attorney for

NOTICE OF SETTLEMENT

Sir:

Please take notice that the within will be presented for settlement and signature to the of the Court at

on the day of
at o'clock in the noon
Yours, etc.

GWERTZMAN LEFKOWITZ
BURMAN SMITH & MARCUS
Attorneys for

Office & Post Office Address
80 Broad Street
New York, New York 10004

To Esq.,

12 Civ. 5838 (BSJ)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT, NEW YORK

IN THE MATTER OF THE PETITION OF
DANIEL FLORIO, as Owner of the Motor
Yacht "CAROLE JAYE" for Exoneration
from or Limitation of Liability

NOTICE OF MOTION TO DISMISS
PETITION FOR LACK OF SUBJECT
MATTER JURISDICTION

GWERTZMAN LEFKOWITZ
BURMAN SMITH & MARCUS
Attorneys for New Hampshire Insurance
Company
Office & Post Office Address
80 Broad Street
New York, New York 10004
(212) 968-1001

New York, New York 10004
(212) 968-1001

Due and timely service of a copy of the
Within is admitted
Dated, Attorney for

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney duly admitted to practice law in the State of New York, certifies that, upon information and belief, based upon reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:

Signature: _____
Print Signer's Name _____

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

being duly sworn deposes and says that I am over 18 years of age and not a party to the action herein. Residing in , New York. On the day of , 20 deponent served the within

Upon

Attorney for

in this action at

the address (es) designated by said attorney(s) for that purpose by depositing a true copy thereof enclosed in a postpaid, properly addressed wrapper in a Post Office Box regularly maintained by the United States Post Office Department within the State of New York.

Sworn to before me
this day of , 20